



MYRTLE CREEK CITY COUNCIL
REGULAR COUNCIL MEETING AGENDA
MYRTLE CREEK COUNCIL CHAMBER

AGENDA PACKET 6/6/2023

All city public meetings are being digitally recorded for sound and video camera surveillance.

The City Council of the City of Myrtle Creek will meet on **Tuesday, June 6, 2023, at 5:30 PM** in the Myrtle Creek Council Chamber, 207 NW Pleasant Street, Myrtle Creek, Oregon.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for other accommodations for persons with disabilities, or for remote access should be made at least 48 hours in advance of the meeting to the City Recorder at 541-863-3171.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and or/meeting.

REGULAR COUNCIL MEETING – 5:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the “Citizens Heard on Non-Agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**
- 3. Public Presentations** – *Items that do not require immediate council action, such as presentations, discussions of potential future action items.*
- 4. Consent Agenda** – *Requires a motion*
The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately upon request.
 - 4.1** Approval of minutes of the Regular City Council Meeting for May 16, 2023
- 5. Public Hearing**
Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

- 5.1 State Revenue Sharing
- 5.2 Adopting 2023-2024 Budget

6. Resolutions

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

- 6.1 **Resolution 23-06** – A Resolution to the Oregon Department of Administrative Services Certifying the City’s Qualification to Receive State Revenue Sharing Funds
- 6.2 **Resolution 23-07** – A Resolution Declaring the City’s Election to Receive State Revenues
- 6.3 **Resolution 23-08** – A Resolution Adopting the Budget (**Public Hearing**)
- 6.4 **Resolution 23-09** – A Resolution Imposing Ad Valorem Taxes and Categorizing the Tax Levy as Provided in ORS 310.060(2)
- 6.5 **Resolution 23-10** – A Resolution Making Appropriations

7. Ordinances

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

- 7.1 **ORDINANCE 848** – SECOND READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 9.05 Criminal Code; Defining Prohibited Camping and Addressing Homelessness
- 7.2 **ORDINANCE 849** – SECOND READ – An Ordinance Establishing Regulations and Fees for Use of City Parks and Addressing Homelessness; Superseding Previous Orders and Resolutions
- 7.3 **ORDINANCE 850** – SECOND READ – An Ordinance Amending Ordinance No 836 and Ordinance No 508, the Myrtle Creek Zoning Ordinance; MCMC Section 18.90 Addressing Off-Street Parking and Homelessness
- 7.4 **ORDINANCE 851** – SECOND READ – An Ordinance Amending Ordinance No 508, the Myrtle Creek Zoning Ordinance; MCMC Section 18.125.050 Addressing Parking Regulations and Homelessness and Amending Resolution 216
- 7.5 **ORDINANCE 852** – SECOND READ – An Ordinance Amending Ordinance No 508, the Myrtle Creek Zoning Ordinance; MCMC Section 18.75.110 Addressing Living in Vehicles and Homelessness

8. Citizens Heard on Non-Agenda Items

9. City Administrator Report

10. Mayor and Councilor – Committee Reports and Councilor Comments

11. Executive Session

The Myrtle Creek City Council will go into Executive Session Under ORS 192.660(2)(i). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660 but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

12. Adjournment



CITY OF MYRTLE CREEK

REGULAR MEETING OF THE CITY COUNCIL

DATE: May 16, 2023

PLACE: Council Chambers, 207 NW Pleasant St., Myrtle Creek, Oregon

PRESIDING OFFICER: Mayor Matthew Hald

COUNCILORS PRESENT: Councilors: Robert Chaney, Sr., Diana Larson, Susan Harris, Bill Burnett

COUNCILORS ABSENT: Luke Dillon

A quorum was present throughout the meeting.

STAFF IN ATTENDANCE: City Administrator Lonnie Rainville, City Recorder Joanna Bilbrey, Finance Officer Lesley Hiscocks, Police Chief Jonathan Brewster, Fire Chief Manie Pires

CALL TO ORDER: Mayor Matthew Hald called the May 16, 2023 meeting to order at 5:30 PM

PUBLIC PRESENTATION

No public presentations.

CONSENT AGENDA

Parts I & II

Motion was made by Councilor Burnett and seconded by Councilor Larson to accept Consent Agenda Parts I & II as presented in the May 16, 2023 Council Packet. Discussion: None

Vote: Motion passed unanimously.

DEPARTMENT REPORTS

Planning Department

City Administrator Lonnie Rainville submitted the Community Development Report into record as written. Questions were asked about the hospital property demolition.

Finance Report

Finance Officer Lesley Hiscocks submitted the Finance Report into record as written.

Police Department

Police Chief Jonathan Brewster submitted the Police Report into record as written. Questions were asked about the new officer that left the department. Testing and interviews have been done to fill the vacant position.

Fire Department

Fire Chief Manie Pires submitted the Fire Report into record as written. Manie shared that their golf tournament is scheduled for June.

Public Works

City Administrator Lonnie Rainville submitted the Public Works Report into records as written. Questions were asked about the ivy on the trees in Creekside Park. Parks Director Michael Branson is keeping an eye on it.

REGULAR AGENDA

No items presented

ORDINANCES

City Administrator Lonnie Rainville shared background information on the need for the code review regarding Homelessness in Public Spaces. *Martin v. Boise* and *Blake v. Grants Pass* have created precedence for the manner in which cities regulate their public property. Both Oregon HB 3115 and HB 3124 govern how cities handle homelessness and require cities to provide a time, place, and manner for people experiencing homelessness to sit, sleep, and lie. April 25, 2023, the Planning Commission held a Public Hearing reviewing amendments to City Ordinances recommended by the Homelessness Review Committee. The Planning Commission voted to forward the Ordinance amendments to City Council with the recommendation to approve.

Ordinance 848 adds an exception to the prohibited camping code that identifies time, place, and manner requirements. Time was identified as sunset to 30 minutes before sunrise. For place, the City chose to identify places where camping would be prohibited so that we could avoid a state created danger. Police Chief Jonathan Brewster shared about the state created danger and why the City chose to identify the places that those experiencing homelessness may not camp at night versus labeling where they can camp. Manner was clarified and restrictions added to how a site must be left.

Ordinance 849 adds language to the parks code to refer to MCMC 09.05.150. By creating a reference, the code will only ever need to be changed in one place and will lessen the potential of conflicting code sections.

Ordinance 850 adds language to the off-street parking code to refer to MCMC 09.05.150. By creating a reference, the code will only ever need to be changed in one place and will lessen the potential of conflicting code sections.

Ordinance 851 adds language to the parking regulations code to refer to MCMC 09.05.150. By creating a reference, the code will only ever need to be changed in one place and will lessen the potential of conflicting code sections.

Ordinance 852 adds language to the code addressing living in vehicles with wording to refer to MCMC 09.05.150. By creating a reference, the code will only ever need to be changed in one place and will lessen the potential of conflicting code sections.

ORDINANCE 848 – FIRST READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 9.05 Criminal Code; Defining Prohibited Camping and Addressing Homelessness

Motion was made by Councilor Chaney to approve the first read of Ordinance 848. Motion seconded by Councilor Harris. Discussion: no discussion followed

Vote: unanimous

ORDINANCE 849 – FIRST READ – An Ordinance Establishing Regulations and Fees for Use of City Parks and Addressing Homelessness; Superseding Previous Orders and Resolutions

Motion was made by Councilor Harris to approve the first read of Ordinance 849. Motion seconded by Councilor Chaney. Discussion: no discussion followed

Vote: unanimous

ORDINANCE 850 – FIRST READ – An Ordinance Amending Ordinance No 836 and Ordinance No 508, the Myrtle Creek Zoning Ordinance; MCMC Section 18.90 Addressing Off-Street Parking and Homelessness

Motion was made by Councilor Larson to approve the first read of Ordinance 850 as read by the Mayor. Motion seconded by Councilor Harris. Discussion: no discussion followed

Vote: unanimous

ORDINANCE 851 – FIRST READ – An Ordinance Amending Ordinance No 508, the Myrtle Creek Zoning Ordinance; MCMC Section 18.125.050 Addressing Parking Regulations and Homelessness and Amending Resolution 216

Motion was made by Councilor Harris to approve the first read of Ordinance 851. Motion seconded by Councilor Larson. Discussion: no discussion followed

Vote: unanimous

ORDINANCE 852 – FIRST READ – An Ordinance Amending Ordinance No 508, the Myrtle Creek Zoning Ordinance; MCMC Section 18.75.110 Addressing Living in Vehicles and Homelessness

Motion was made by Councilor Larson to approve the first read of Ordinance 852 as read by the Mayor. Motion seconded by Councilor Chaney. Discussion: no discussion followed

Vote: unanimous

CITIZENS HEARD ON NON-AGENDA ITEMS

Karen Held – Woodhouse Drive Myrtle Creek

Requested clarification on Cares funds and ARPA funds and requested community comment on suggestions for uses of the remaining funds.

CITY ADMINISTRATOR REPORT

City Administrator Lonnie Rainville shared about a revision to the lead and copper rule put out by the Environmental Protection Agency in 2021. This rule mandates that all public water systems must do an inventory of the piping around the city. This rule applies to both main lines and customer side water lines. The information will have to be put together into a spreadsheet. Public Works is preparing a plan to do a survey to gather the information needed by October 16, 2024. The pipes that need to be identified are placed into four categories galvanized steal requiring replacement, non-lead, lead status unknown, and lead. The first phase is an inventory and the second phase will be possibly replacement. The EPA will be putting out additional information on what the replacement will look like. The Mayor asked how an audit will be completed on the customer side.

Finance Officer Lesley Hiscocks shared about new requirements set by the Government Accounting Standards Board (GASB). GASB 87 requires auditing records of all leases involving non-financial assets and GASB 96 adds new auditing standards for all subscription services that the City departments have. We are working with the auditor to work on a way to comply with the new requirements.

The end of this month we will be going live with the web based version of the financial software program Springbrook and the RV Park has transitioned to the web based Firefly program. Both transitions are expected to be smooth.

The Councilors asked for a little more clarification on the new GASB requirements.

MAYOR AND COUNCILOR – COMMITTEE REPORTS and COUNCILOR COMMENTS

Councilor Diana Larson shared the Library has two new children's programs started on Saturdays. She also shared about a joint event with the Library and Adapt on Saturday June 10th. Councilor Robert Chaney shared about the Airport BBQ, they sold out of all the meat that was purchased. He also noted that the flower baskets are up and that Robert Chaney Jr. is volunteering to do the watering. Councilor Susan Harris asked about the tall grass and if the Police Department is getting a head start on noticing properties. Chief Brewster shared that they are working on getting the notices out so that the grass can be taken care of during June. Susan also mentioned the need for line repainting at Third and Morrison. Mayor Matthew Hald shared that the SU Booster Club is having their dinner and auction in Millsite Park on Saturday.

ADJOURNMENT

Mayor Matthew Hald adjourned the regular meeting of the City Council for May 16, 2023 at 6:20 P.M.

Matthew Hald, Mayor

Attest:

Joanna Bilbrey
City Recorder

**CITY OF MYRTLE CREEK, OREGON
RESOLUTION 23-06**

**A RESOLUTION TO THE OREGON DEPARTMENT OF ADMINISTRATIVE
SERVICES CERTIFYING THE CITY'S QUALIFICATION TO RECEIVE STATE
REVENUE SHARING FUNDS**

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police protection
2. Fire protection
3. Street construction, maintenance, and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning, and subdivision control
7. One or more utility services

And;

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760,

NOW THEREFORE BE IT RESOLVED, that the City of Myrtle Creek hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

1. Police protection
2. Fire protection
3. Street construction, maintenance, and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning, and subdivision control
7. Water utility

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MYRTLE CREEK THIS 6th
DAY OF JUNE, 2023.**

APPROVED BY THE MAYOR THIS 6th DAY OF JUNE, 2023.

Matthew Hald, Mayor

ATTEST: _____
Joanna Bilbrey, City Recorder

**CITY OF MYRTLE CREEK, OREGON
RESOLUTION 23-07**

**A RESOLUTION DECLARING THE CITY'S ELECTION TO
RECEIVE STATE REVENUES**

WHEREAS, State Revenue Sharing Law, ORS 221.770 requires cities to pass an ordinance or resolution each year stating that they want to receive State Revenue Sharing money;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Myrtle Creek, pursuant to ORS 221.770 hereby elects to receive State Revenues for fiscal year 2023-2024.

PASSED BY THE CITY OF MYRTLE CREEK COUNCIL THIS 6th DAY OF JUNE, 2023

APPROVED BY THE MYRTLE CREEK MAYOR THIS 6th DAY OF JUNE, 2023

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

I certify that a Public Hearing before the Budget Committee was held on May 2, 2023 and a Public Hearing before the City Council was held on June 6, 2023, giving citizens an opportunity to comment on use of State Revenue Sharing funds.

Joanna Bilbrey, City Recorder

**CITY OF MYRTLE CREEK, OREGON
RESOLUTION 23-08**

A RESOLUTION ADOPTING THE BUDGET

BE IT RESOLVED that the City of Myrtle Creek Council hereby adopts the Budget approved by the Budget Committee for fiscal year 2023-24 in the total sum of \$16,541,798.00 now on file at City Hall.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MYRTLE CREEK THIS 6th DAY OF JUNE, 2023.

APPROVED BY THE MAYOR THIS 6th DAY OF JUNE, 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

**CITY OF MYRTLE CREEK, OREGON
RESOLUTION 23-09**

**A RESOLUTION IMPOSING AD VALOREM TAXES AND CATEGORIZING
THE TAX LEVY AS PROVIDED IN ORS 310.060(2).**

BE IT RESOLVED that the City Council of City of Myrtle Creek hereby imposes taxes provided for in the adopted Budget at the rate of \$6.509/\$1,000; and that these taxes are hereby levied upon all taxable property within said city limits as of 1:00 A.M., July 1, 2023. The following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution make up the above aggregate levy:

	Subject to the General Government Limitation
General Fund	\$6.509 per \$1,000
Category Total	\$6.509 per \$1,000

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MYRTLE CREEK
THIS 6th DAY OF JUNE, 2023.**

APPROVED BY THE MAYOR THIS 6th DAY OF JUNE, 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey
City Recorder

CITY OF MYRTLE CREEK, OREGON

RESOLUTION NO. 23-10

A RESOLUTION MAKING APPROPRIATIONS

NOW THEREFORE, BE IT RESOLVED that the City of Myrtle Creek appropriates the following amounts for the fiscal year beginning July 1, 2023, and for the purposes shown below:

GENERAL FUND

Table with 2 columns: Item Name, Amount. Items include Fire Department, Municipal Court, Library Department, Parks Department, Community Center, General Equipment Department, Swimming Pool Department, Police Department, Public Buildings Department, Public Works Department, Support Services, Contingencies, Transfers, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

PUBLIC SAFETY FUND

Table with 2 columns: Item Name, Amount. Items include Contract services, Equipment, Transfer, and TOTAL APPROPRIATIONS.

SEWER UTILITY FUND

Table with 2 columns: Item Name, Amount. Items include Sewer Services, Contingencies, Transfers, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

SEWER CONSTRUCTION FUND

Table with 2 columns: Item Name, Amount. Items include Capital Outlay, Reserve- Capital Improvements, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

WATER UTILITY FUND

Table with 2 columns: Item Name, Amount. Items include Water Services, Contingencies, Transfers, Reserve, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

WATER CONSTRUCTION FUND

Table with 2 columns: Item Name, Amount. Items include Capital Outlay, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

AIRPORT FUND

Table with 2 columns: Item Name, Amount. Items include Airport Services, Contingencies, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

STREET FUND

Table with 2 columns: Item Name, Amount. Items include Street Services, Contingencies, Transfers, Reserve- Bike Trail, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

STORM WATER FUND

Table with 2 columns: Item Name, Amount. Items include Storm Water Services, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

WWTP CONST DEBT REPAYMENT FUND

Table with 2 columns: Item Name, Amount. Items include Debt Service and TOTAL APPROPRIATIONS.

WTP CONST DEBT REPAYMENT FUND

Table with 2 columns: Item Name, Amount. Items include Debt Service, Construction Loan Reserve, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

PARK DEVELOPMENT FUND

Table with 2 columns: Item Name, Amount. Items include Park Project Services, Contingencies, Transfers, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

RV PARK FUND

Table with 2 columns: Item Name, Amount. Items include RV Park Services, Contingencies, Transfers, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

CAPITAL PROJECTS FUND

Table with 2 columns: Item Name, Amount. Items include Capital Outlay, Unappropriated End Balance, and TOTAL APPROPRIATIONS.

<i>TOTAL APPROPRIATIONS – All Funds</i>	<i>\$ 8,980,629</i>
<i>TOTAL UNAPPROPRIATED AMOUNTS – All Funds</i>	<i><u>\$7,561,169</u></i>
<i>TOTAL of All Funds</i>	<i>\$16,541,798</i>
<i>TOTAL 2023-2024 FISCAL YEAR BUDGET</i>	<i><u>\$16,541,798</u></i>

PASSED THIS 21ST DAY OF JUNE, 2023.

Matthew Hald, Mayor

Attest: _____
Joanna Bilbrey, City Recorder

CITY OF MYRTLE CREEK
OREGON
ORDINANCE NO. 848

**AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE
CHAPTER 9.05 CRIMINAL CODE; DEFINING PROHIBITED CAMPING AND
ADDRESSING HOMELESSNESS**

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, Chapter 2, Section 4 of the City of Myrtle Creek Charter provides: The City has all powers that the constitution, statutes, and common law of the United States and of the State of Oregon now or hereafter expressly or impliedly grant or allow the City, as fully as though this Charter specifically enumerated each of those powers.

WHEREAS, Myrtle Creek City Council has determined a need to amend Myrtle Creek Municipal Code (MCMC), Chapter 9.05 in order to address homelessness.

NOW, THEREFORE THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

SECTION 1. Section 9.05 of the City of Myrtle Creek Municipal Code is hereby amended with the addition of item E. Exceptions to Section 9.05.150 as follows:

9.05.150 Prohibited Camping

A. Definitions

1. Camp/Camping. To set up or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary or permanent place to live/reside. Using or maintaining a fire or stove without other evidence of a temporary place to live/reside shall also be considered camping.
2. Campsite. Any place where any indicia of camping is placed, established, or maintained.
3. Indicia of camping. Items or activities that may include but are not limited to: any stove or fire or cooking activity outside of authorized areas; storage of personal belongings; use of tents, lean-tos, shacks, vehicles or any other temporary structures or any part thereof for sleeping or storage of personal belongings; designation of an area in a manner to exclude other members of the public by maintaining, using or storing personal belongings or items. Bedding (such as blankets, sleeping bags, or other sleeping matter), by itself, is not indicia of camping.

- B. Except by permit issued by the City Recorder for camping in non-designated areas, it is unlawful to camp in or upon any sidewalk, street, alley, lane public right-of-way or any other place to which the general public has access, or under any bridgeway or viaduct.
- C. No RV or campsite shall be used or occupied on any tract of ground within the corporate limits of the City except as provided in this Section.
- D. No person shall use or occupy any RV on the premises of any occupied dwelling or on any lot which is not part of the premises of any occupied dwelling, unless a permit therefor shall have been first obtained as prescribed in the Trailer Houses and Trailer Coaches Ordinance 216, nor shall any person permit such use or occupancy unless the occupant of the RV or camp has obtained a permit therefor.

E. Exceptions.

- Those experiencing homelessness may sleep, lie, or keep warm and dry outside on public property in compliance with the following Time, Place, and Manner requirements:
 - Time:
Those experiencing homelessness may sleep, lie, or keep warm and dry on public property, that has not been identified as impermissible, from dusk until 30 minutes before sunrise.

 - Place:
Those experiencing homelessness may sleep, lie, or keep warm and dry in conformance with time and manner provisions on public property with the following location exclusions:
 - Public Works Water and Wastewater complex;
 - Areas fenced and being used for potable water storage;
 - Maggie Steinbaugh Park;
 - All areas of Millsite Park with the exception of the Disk Golf Course;
 - Public Parking Lots and Right-of-Ways;
 - Property adjacent to the Volunteer Fire Department;
 - Sidewalks where ADA access would be impacted;
 - Evergreen Park;
 - Library Building;
 - Right of Way

 - Manner:
During times allowable under the time provision of this code, those experiencing homelessness may use small tents, or other temporary means of portable shelter that must be fully removed daily without impacting the grounds.

- Automobile and Recreational Vehicle (RV) Use:

For those experiencing homelessness, an automobile or RV as defined in ORS [446.310\(2\)](#) shall be allowed for sleeping outside of a permitted or authorized campground, without a permit, provided the following conditions exist and are complied with:

- Shall be permitted for sleeping during periods that do not exceed 24 hours.
- Parked in an area that is graveled or hard surface either asphalt or concrete would not impede traffic or create a traffic safety issue.

F. Any person who violates this Section [9.05.150] shall be punished, upon conviction, by a fine of not more than \$200 for each violation. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

SECTION 2. All other Sections and Subsections of Chapter 9.05 of the Myrtle Creek Municipal Code remain in full force and effect as written.

ADOPTED BY THE MYRTLE CREEK CITY COUNCIL THIS 16th day of May 2023

APPROVED BY THE MAYOR THIS 6th day of June 2023

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 849

AN ORDINANCE ESTABLISHING REGULATIONS AND FEES FOR USE OF CITY PARKS AND ADDRESSING HOMELESSNESS; SUPERSEDING PREVIOUS ORDERS AND RESOLUTIONS

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, the City Council of the City of Myrtle Creek finds that it is in the best interest of the citizens of Myrtle Creek to include language within the Myrtle Creek Municipal Code that addresses homelessness within the parks.

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

TITLE 12.25 PARKS

The official Myrtle Creek Municipal Code is updated as follows:

USE OF PARK AND RECREATION FACILITIES

SECTION 1. Permits: Permits may be obtained at Myrtle Creek City Hall. The City Administrator or Administrator’s designee shall have authority to issue permits for the following activities:

- A. To secure temporary entry into a designated camping area.
- B. To camp overnight at Millsite RV Park up to the following maximum number of days:
 - a. May 15 to September 15 of each year there is a five (5) day camping limit out of every seven (7) days.
 - b. September 16 to May 14 of each year there is a fourteen (14) day camping limit out of every eighteen (18) days.
- C. To conduct any special events or group activities within park facilities, application must be made 7 business days in advance. Special requirements may be applied, based on the nature of the event, for approval of permit.

No person shall engage in any activity described in this section without first obtaining a permit. The City Administrator or City Administrator’s designee may require reasonable terms and conditions for the issuance of permits which are not inconsistent with the terms of the Ordinance. The duration for the permits shall be set by the City Administrator. Fees for all permits shall be as set forth by Resolution ~~17-01~~ in the Handbook of Fees and Charges or as otherwise posted.

SECTION II. Park Use Requiring Fees: Fees and deposits for permits, camping and rental of park facilities shall be posted in each park and recreational area as set forth by Resolution ~~17-01~~ in the Handbook of Fees and Charges or as otherwise posted.

- A. RV Camping
 - a. Campsite providing hookups

- b. Campsite without hookups
- c. Extra vehicle within campsite
- B. User Fees Required as Follows:
 - a. Non-Youth Baseball or Softball Tournaments
 - b. Groups Reserving Park Areas
 - c. Commercial Uses
 - d. Other activities as adopted by resolution

NOTE: The City of Myrtle Creek requires a clean-up deposit which will be refunded if all litter and debris is picked up after usage and no damage is done to park facilities. (Baseball or Softball Tournament deposits are per day per field.)

- C. RV Dump Station
 - a. Included in fee for campsite with hookup.
 - b. Non-park user. HONOR SYSTEM. Deposit fee in box.

SECTION III. Park Hours. Parks and Recreational areas shall be closed a half hour after sunset until a half hour before sunrise unless otherwise posted. [Refer to Myrtle Creek Municipal Code Section 09.05.150 for exceptions for those experiencing homelessness.](#)

SECTION IV. Park Closures: The City Administrator or the Administrator’s designee is hereby authorized to close or restrict public use of any park and recreational area or a portion thereof when it is deemed necessary to protect the public health, safety or welfare or for the protection of the park and recreational area facilities.

SECTION V. Prohibited Acts in City Parks: It shall be unlawful for any person to commit any of the following acts in a city park or recreational area:

- A. To fail to pay any fees, deposits, rentals or costs assessed for use or rental of park facilities.
- B. To fail to secure a permit or to violate the terms of any permit required by Section 1. of these rules.
- C. To disregard, deface, remove, tamper or damage any sign or notice posted or erected by the City.
- D. To camp in areas not designated for overnight camping.
- E. To operate or park motor vehicles, bicycles or trailers outside designated spaces in a manner that prevents access to park facilities in excess of designated speed limits.
- F. To erect, place, post or maintain any advertising matter, sign, or printed matter other than legal notices in a park facility ~~in excess of designated speed limits~~ [without prior approval of the City Administrator.](#)
- G. To solicit, sell, offer for sale, peddle or vend any food, liquids, goods, merchandise or any items without approval of the Park Commission or the Commission’s designee.
- H. To allow any animal:
 - a. To run at large within park boundaries.
 - b. To be present inside any park buildings except service animals as defined by the Americans with Disabilities Act. Service animals are defined as animals that are individually trained to do work or perform tasks for people with disabilities.
 - c. No horses allowed in parks unless on vehicle roadways.

- I. To operate or use a public address system or any sound system without the approval of the Park Commission or the Commission’s designee.
- J. To shoot archery or golf within park boundaries without a special permit.
- K. To build an open campfire.
- L. To use a portable stove during fire season.
- M. To leave, deposit, scatter waste, refuse, garbage, including but not limited to a person’s residential waste, refuse or garbage.
- N. To allow animal excrements that are not disposed of properly to remain.
- O. To possess or consume alcohol without approval from the City.
- P. Smoking or other use of tobacco products: Smoke free zones are designated as follows:
 - a. Millsite Park – from the NW corner of the bunker south to Myrtle Creek, then west to the western edge of the sidewalk along the west side of the leisure lawn area, then north along the western side of the aforementioned sidewalk to the sidewalk along Volunteer Way, then east along the sidewalk on the south side of Volunteer Way to the starting point.
 - b. Evergreen Park - All of the area on the interior of the paved loop inside the park.
 - c. Creekside - All area west of a line drawn from the southeast corner of the parking lot by Tommy’s running north to a point where the east side of the Creekside parking lot meets NE Oak Street.
 - d. Maggie Steinbaugh Park – in its entirety.

“Smoking” as used herein shall include: electronic smoking devices, tobacco, marijuana, bidis, cigarettes, cigarillos, cigars, clove cigarettes, nicotine vaporizers, nicotine liquids, hookahs, kreteks, pipes, chew, snuff, smokeless tobacco, and any burning or smoldering substance in any form. “Electronic smoking device” as used herein includes an electronic or battery-operated device and delivers vapors for inhalation. Electronic smoking devices includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, and electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

SECTION VI. Penalties: A violation of any provision of Section V. of these rules is punishable upon conviction by a fine of not more than \$500.00

SECTION VII. Supersede: These rules supersede all other existing park ordinances.

PASSED BY THE CITY COUNCIL ON THE FIRST READING this 16th day of May 2023.

APPROVED BY THE MAYOR this 6th day of June 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 850

AN ORDINANCE AMENDING ORDINANCE NO 836 AND ORDINANCE NO 508, THE MYRTLE CREEK ZONING ORDINANCE; MCMC SECTION 18.90 ADDRESSING OFF-STREET PARKING AND HOMELESSNESS

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, Ordinance 508 the Myrtle Creek Zoning Ordinance establishes code for off-street parking and which recent State mandates have required cities to address homelessness and public place; and

WHEREAS, the Planning Commission held a public hearing on the question of amending the Zoning Ordinance on April 25, 2023, and provided an opportunity for public participation in the matter; and

WHEREAS, the City Council finds that the proposed amendment is in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

TITLE 18 ZONING

The official Myrtle Creek Municipal Code is hereby amended to the extent described as follows:

SECTION: 18.90.010 (2) Parking, storage, or use of major vehicle and equipment.

(2) Parking. No major recreational equipment shall be parked on any city street for a period exceeding 24 hours during loading or unloading except with a “permit for sleeping purposes only” [or for those experiencing homelessness, refer to MCMC 09.05.150](#). Unless authorized by the City Administrator or Public Works Director, vehicles or trailers designed to be towed by a vehicle are prohibited from parking on a street within the city at any time if the combination of motor vehicle and trailer is longer than 40 feet, wider than eight feet six inches or weighs in excess of 26,000 pounds gross vehicle weight (GVW) or any vehicle that requires a commercial driver’s license.

PASSED BY THE CITY COUNCIL ON THE FIRST READING this 16th day of May 2023.

APPROVED BY THE MAYOR this 6th day of June 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 851

AN ORDINANCE AMENDING ORDINANCE NO 508, THE MYRTLE CREEK ZONING ORDINANCE; MCMC SECTION 18.125.050 ADDRESSING PARKING REGULATIONS AND HOMELESSNESS AND AMENDING RESOLUTION 216

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, Ordinance 508 the Myrtle Creek Zoning Ordinance establishes code for parking regulations and which recent State mandates have required cities to address homelessness and public places; and

WHEREAS, the Planning Commission held a public hearing on the question of amending the Zoning Ordinance on April 25, 2023, and provided an opportunity for public participation in the matter; and

WHEREAS, the City Council finds that the proposed amendment is in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

TITLE 18 ZONING

The official Myrtle Creek Municipal Code is hereby amended to the extent described as follows:

SECTION: 18.125.050 Parking - Regulations

It shall be unlawful to park or place any trailer coach used for sleeping or living purposes within the city for any period of time exceeding ~~three~~ 24 hours, except in a trailer camp, and no cooking shall be done in a trailer coach outside a trailer camp. [Refer to MCMC 09.05.150 for exceptions for those experiencing homelessness.](#) It is to be understood that the parking of trailer coaches in the city that are not used for sleeping or living purposes is not regulated by this chapter, but is regulated by the general ordinances of the city regulating vehicular parking when parked on the city streets or alleys; provided, however, that a trailer coach used for sleeping or living purposes may be parked in the city outside of a trailer camp for a period of not to exceed 15 days, with no cooking permitted outside of a trailer camp, after the owner or occupant thereof has secured from the City Recorder a permit therefor and has paid a permit fee set by resolution in the handbook of fees and charges. This permit shall be temporary only; and when a permit shall have been issued for a particular trailer coach once in a calendar year, another temporary permit shall not be issued for that particular coach in the same calendar year.

The removal of the wheels or the setting of a trailer coach on posts or footings shall not be considered as removing said trailer coach from the regulations affecting trailer coaches unless such trailer is made to

conform with the building code and other ordinances of the City of Myrtle Creek regulating dwellings and land uses.

PASSED BY THE CITY COUNCIL ON THE FIRST READING this 16th day of May 2023.

APPROVED BY THE MAYOR this 6th day of June 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 852

AN ORDINANCE AMENDING ORDINANCE NO 508, THE MYRTLE CREEK ZONING ORDINANCE; MCMC SECTION 18.75.110 ADDRESSING LIVING IN VEHICLES AND HOMELESSNESS

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, Ordinance 508 the Myrtle Creek Zoning Ordinance establishes code for land use and sleeping in vehicles and which recent State mandates have required cities to address homelessness and public places; and

WHEREAS, the Planning Commission held a public hearing on the question of amending the Zoning Ordinance on April 25, 2023, and provided an opportunity for public participation in the matter; and

WHEREAS, the City Council finds that the proposed amendment is in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE ORDAINS AS FOLLOWS:

TITLE 18 ZONING

The official Myrtle Creek Municipal Code is hereby amended to the extent described as follows:

SECTION: 18.75.110 (3) Living in Vehicles

(3) Living in Vehicles. Pursuant to Chapter [18.125 MCMC](#), it shall be unlawful to use a travel trailer, camper, recreational vehicle or similar vehicle for living or sleeping purposes while parked on public or private property (including public streets) without a “permit for sleeping purposes only,” unless said vehicle is legally parked in a park designed for such purpose. [Refer to MCMC 09.05.150 for exceptions for those experiencing homelessness.](#)

PASSED BY THE CITY COUNCIL ON THE FIRST READING this 16th day of May 2023.

APPROVED BY THE MAYOR this 6th day of June 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder